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1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK  
3 -----x

4 UNITED STATES OF AMERICA,

5 v.

19 CR 214 (LAK) (KHP)

6 ANTHONY GIVENS,

7 Defendant.  
-----x

8 New York, N.Y.  
9 March 26, 2019  
10 10:30 a.m.

11 Before:

12 HON. KATHARINE H. PARKER,

13 Magistrate Judge

14 APPEARANCES

15 GEOFFREY S. BERMAN  
16 United States Attorney for the  
17 Southern District of New York  
18 PETER J. DAVIS  
19 Assistant United States Attorney

20 JONATHAN A. MARVINNY  
21 Attorney for Defendant Givens

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1 (Case called)

2 MR. DAVIS: Good morning, your Honor.

3 Peter Davis, for the government

4 THE COURT: Good morning.

5 MR. MARVINNY: Good morning.

6 Federal Defenders of New York, by Jonathan Marvinny,  
7 for Mr. Givens.

8 THE COURT: Good morning, Mr. Marvinny.

9 And good morning, Mr. Givens. I'm Judge Parker.

10 THE DEFENDANT: Good morning, your Honor.

11 THE COURT: We're here for a plea allocution in your  
12 case and I understand that you wish to plead guilty to Count  
13 Two in the information against you. That charge alleges that  
14 you committed bank fraud in violation of Title 18 of the U.S.C.  
15 Sections 2 and 1344.16 Mr. Marvinny, have you reviewed the information with  
17 your client and does he waive its public reading?

18 MR. MARVINNY: Yes, your Honor.

19 THE COURT: All right. Before we move forward,  
20 Mr. Givens, I want to remind you of certain constitutional  
21 rights that you have. You have the right to remain silent.  
22 You are not required to make any statements. Even if you've  
23 already made statements to the authorities, you do not need to  
24 make my further statements. Anything you do say could be used  
25 against you.

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1           If you are not a U.S. citizen, you have the right to  
2 request that a government attorney or law enforcement official  
3 notify a consular officer from your country of origin that you  
4 have been arrested. And in some cases the U.S. Government has  
5 to give that notice whether you request it or not.

6           You have the right to be represented by an attorney  
7 and your attorney is here. You also have the right to be  
8 released with or without conditions pending trial unless there  
9 are no conditions that would reasonably assure your presence at  
10 court and the safety of the community.

11           Do you understand all of this?

12           THE DEFENDANT: Yes, your Honor.

13           THE COURT: All right. Then, I'm going to deem you to  
14 have been arraigned on the information and will proceed with  
15 the plea.

16           Before we get started I'm going to ask the courtroom  
17 deputy to place you under oath.

18           (Defendant Anthony Givens sworn)

19           THE COURT: Mr. Givens, you've now been placed under  
20 oath. This means that any statements you make here may be used  
21 against you by the government in a prosecution for perjury or  
22 for making false statements.

23           Do you understand?

24           THE DEFENDANT: Yes, your Honor.

25           THE COURT: The document that contains the charge to

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1 which you've indicated you wish to plead guilty is called an  
2 "information". This document was issued by the United States  
3 Attorney and not a grand jury. Under the U.S. Constitution you  
4 have a right to be charged by an indictment which is issued by  
5 a grand jury instead of by an information.

6 Now, a grand jury is a group of 23 ordinary citizens  
7 who are called to jury service to hear the government's  
8 evidence in criminal cases. The grand jury decides whether the  
9 evidence is sufficient to justify bringing you to trial. In  
10 order to return an indictment, at least 12 of the grand jurors  
11 must vote in favor of the indictment finding that there's  
12 probable cause to believe that an offense was committed and  
13 that you committed it. If you give up your right to have the  
14 charges against you presented to the grand jury, the case will  
15 proceed against you based on the U.S. Attorney's information  
16 just as if you had been indicted.

17 Do you understand?

18 THE DEFENDANT: Yes, your Honor.

19 THE COURT: Now, I have a copy of a waiver of  
20 indictment form that bears your signature. It's dated today.  
21 I saw you sign it just before we started.

22 Did you review this form with your lawyer before you  
23 signed it?

24 THE DEFENDANT: Yes, your Honor.

25 THE COURT: Do you understand that by signing the

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1 form, you're giving up your right to have your case presented  
2 to a grand jury?

3 THE DEFENDANT: Yes, your Honor.

4 THE COURT: Have you discussed with your lawyer the  
5 advantages and disadvantages of waiving indictment?

6 THE DEFENDANT: Yes, your Honor.

7 THE COURT: Have any threats or promises been made to  
8 you apart from the written plea agreement to get you to waive  
9 indictment?

10 THE DEFENDANT: No, your Honor.

11 THE COURT: Do you still wish to waive indictment?

12 THE DEFENDANT: Yes, your Honor.

13 THE COURT: OK. Your waiver is accepted.

14 Next, I have a form called a "Consent to Proceed  
15 Before a United States Magistrate Judge on a Felony Plea  
16 Allocution" that you've signed also today. What this form says  
17 is that you know you have the right to have your plea taken by  
18 a United States district judge but you are agreeing to have  
19 your plea taken by a U.S. magistrate judge such as myself. And  
20 as a magistrate judge, I have the authority to take your plea  
21 with your consent and you're still entitled to all the same  
22 rights and protections as if you were before a district judge.

23 Before you signed this form did your lawyer explain it  
24 to you?

25 THE DEFENDANT: Yes, your Honor.

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1                   THE COURT: And did you seen it voluntarily? Did you  
2 voluntarily sign it?

3                   THE DEFENDANT: Yes.

4                   THE COURT: Do you still wish to proceed before me?

5                   THE DEFENDANT: Yes.

6                   THE COURT: Your consent is accepted.

7                   I'd like to explain a little bit more about the  
8 proceeding today. I'm going to ask you various questions.  
9 Some are personal in nature and others are about the crime to  
10 which you wish to plead guilty. I'm also going to review  
11 various rights that you have and will be giving up by pleading  
12 guilty.

13                  The purpose of these questions is to make sure that  
14 you understand your rights and to make sure that you're  
15 voluntarily pleading guilty of your own free will and because  
16 you are in fact guilty of the crime to which you are pleading  
17 guilty.

18                  Do you understand?

19                  THE DEFENDANT: Yes, your Honor.

20                  THE COURT: If there's anything you don't understand,  
21 stop me and I'll try to explain it further or I'll give you an  
22 opportunity to talk with your lawyer. OK?

23                  THE DEFENDANT: OK.

24                  THE COURT: What's your full name?

25                  THE DEFENDANT: Anthony Givens.

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1                   THE COURT: How old are you?

2                   THE DEFENDANT: Twenty-seven.

3                   THE COURT: Are you a U.S. citizen?

4                   THE DEFENDANT: Yes.

5                   THE COURT: The reason I ask that is pleading guilty  
6 to a felony can have serious consequences for noncitizens.

7                   How far did you go in school?

8                   THE DEFENDANT: Twelfth grade.

9                   THE COURT: Did you graduate from high school?

10                  THE DEFENDANT: (Shaking his head)

11                  THE COURT: Have you recently been under the care of a  
12 doctor or mental health professional?

13                  THE DEFENDANT: No.

14                  THE COURT: Do you have any condition that affects  
15 your ability to see or to hear?

16                  THE DEFENDANT: No, your Honor.

17                  THE COURT: Do you have any condition that affects  
18 your ability to make judgments and decisions for yourself?

19                  THE DEFENDANT: No, your Honor.

20                  THE COURT: Have you ever been treated or hospitalized  
21 for mental illness?

22                  THE DEFENDANT: No, your Honor.

23                  THE COURT: Have you ever been treated or hospitalized  
24 for drug addiction?

25                  THE DEFENDANT: No, your Honor.

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1                   THE COURT: Alcoholism?

2                   THE DEFENDANT: No, your Honor.

3                   THE COURT: As you sit here today, are you under the  
4 influence of any mind-altering drug or alcohol?

5                   THE DEFENDANT: No, your Honor.

6                   THE COURT: And how are you feeling physically today?

7                   THE DEFENDANT: Feeling fine today.

8                   THE COURT: Glad to hear that. Is your mind clear  
9 today?

10                  THE DEFENDANT: Yes.

11                  THE COURT: You understand what's happening in this  
12 proceeding?

13                  THE DEFENDANT: Yes.

14                  THE COURT: Does either counsel have any objections to  
15 Mr. Givens' competence to plead at this time?

16                  MR. DAVIS: No, your Honor.

17                  MR. MARVINNY: No, your Honor.

18                  THE COURT: I am now going to explain certain  
19 Constitutional rights that you have and these are rights that  
20 you'll be giving up if you enter a guilty plea.

21                  Under the Constitution and laws of the United States  
22 you have a right to plead not guilty to the charges contained  
23 in the information.

24                  Do you understand that?

25                  THE DEFENDANT: Yes.

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1                   THE COURT: If you plead not guilty you'd be entitled  
2 to a speedy and public trial by a jury of the charges against  
3 you. At the trial you would be presumed innocent and the  
4 government would be required to prove you guilty beyond a  
5 reasonable doubt before you could be found guilty, and you  
6 could not be convicted unless a jury of 12 people agreed  
7 unanimously that you are guilty beyond a reasonable doubt.

8                   Do you understand?

9                   THE DEFENDANT: Yes, your Honor.

10                  THE COURT: If you decide to go to trial, at that  
11 trial and at every stage of your case you would have the right  
12 to be represented by a lawyer and if you could not afford one,  
13 a lawyer would be appointed to represent you at the  
14 government's expense. And even if you retained a private  
15 defense counsel and ran out of money, an attorney would be  
16 appointed at that point to represent you. So you'd be entitled  
17 to an attorney all through trial and not just for a guilty plea  
18 and your decision to plead guilty should not depend on whether  
19 you can afford a lawyer.

20                  Do you understand?

21                  THE DEFENDANT: Yes.

22                  THE COURT: During a trial the witnesses for the  
23 prosecution would have to come to court and testify in your  
24 presence where you could see and hear them and your lawyer  
25 could cross-examine them. If you wanted, your lawyer could

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1 offer evidence on your behalf. You'd be able to use the  
2 court's power to compel witnesses to come to court and testify  
3 in your defense even if they didn't want to.

4 Do you understand?

5 THE DEFENDANT: Yes, your Honor.

6 THE COURT: At trial you would have the right to  
7 testify in your own defense if you wanted but you'd also have  
8 the right not to testify. If you chose not to testify, that  
9 could not be used against you in any way. No inference or  
10 suggestion of guilt would be permitted from the fact that you  
11 did not testify.

12 Do you understand?

13 THE DEFENDANT: I got you.

14 THE COURT: If you were convicted at trial, you would  
15 have the right to appeal that verdict to a higher court.

16 Do you understand?

17 THE DEFENDANT: Yes.

18 THE COURT: And as I said before, you have the right  
19 to plead not guilty. Even right now as you sit here today for  
20 the purposes of entering a guilty plea, you have the right to  
21 change your mind and persist in a not guilty plea and go to  
22 trial. But if you do plead guilty and your plea is accepted,  
23 you will give up the right to a jury trial and all the other  
24 rights that go with it that I've just described.

25 Do you understand?

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1                   THE DEFENDANT: Yes.

2                   THE COURT: Finally, if you do plead guilty, you're  
3 giving up the right not to incriminate yourself and I'm going  
4 to ask you questions in a little bit about what you did to  
5 satisfy myself that you are actually guilty of the crime to  
6 which you are pleading guilty. By pleading guilty you'll be  
7 admitting to your factual, as well as your legal guilt.

8                   Do you understand that?

9                   THE DEFENDANT: Yes.

10                  THE COURT: I am now going to review Count Two in the  
11 information against you and the consequences of pleading guilty  
12 to it.

13                  Count Two charges you with bank fraud in violation of  
14 Title 18 of U.S.C. Sections 2 and 1344.

15                  The information states that from on or about October  
16 of 2018, up to about December of 2018, in this district and  
17 elsewhere, you executed a scheme to defraud a financial  
18 institution, an FDIC insured bank by depositing stolen, forged  
19 or altered checks at the bank.

20                  I'm going to ask Mr. Davis to state the elements of  
21 this crime.

22                  MR. DAVIS: Yes, your Honor.

23                  In order to prove the defendant guilty of Count Two of  
24 the information the government would have to prove the  
25 following elements beyond a reasonable doubt:

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1                   First, that the defendant knowingly executed a scheme  
2 or artifice to defraud at least one financial institution or  
3 knowingly executed a scheme to obtain the money, funds or other  
4 property owned by or under the control of at least one  
5 financial institution by means of material false or fraudulent  
6 pretenses, representations or promises or aided and abetted,  
7 counsel, commanded, induced or procured the commission of such  
8 scheme or artifice.

9                   Second, the government would have to prove that the  
10 defendant did so with the intent to deceive at least one  
11 financial institution to obtain the financial institution's  
12 property.

13                   Third, the defendant deceived the financial  
14 institutions that were then insured by the Federal Deposit  
15 Insurance Corp or FDIC.

16                   Additionally, the government would be required to  
17 prove by a preponderance of the evidence that venue in this  
18 district is proper.

19                   THE COURT: Thank you.

20                   Mr. Marvinny, do you agree that the government has  
21 accurately described the elements of this crime?

22                   MR. MARVINNY: Yes, your Honor.

23                   THE COURT: Mr. Givens, do you understand the elements  
24 that the government has just described?

25                   THE DEFENDANT: Yes, your Honor.

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1                   THE COURT: Do you understand that the government  
2 would have to prove each of those elements beyond a reasonable  
3 doubt at trial in order for you to be convicted of this crime?

4                   THE DEFENDANT: Yes, your Honor.

5                   THE COURT: I'm now going to tell you the maximum  
6 possible penalty for this crime. The "maximum" means the most  
7 that could possibly be imposed. It does not mean that is what  
8 you necessarily would receive. But by pleading guilty you are  
9 exposing yourself to the possibility of receiving any  
10 combination of punishments up to the maximum that I am about to  
11 describe.

12                  The maximum term of imprisonment for this offense is  
13 30 years, which could be followed by five years of supervised  
14 release. "Supervise release" means that after you are released  
15 from prison you may be subject to supervision of the probation  
16 department. And if you are placed on supervised release and  
17 then violated a condition of that release, you can be returned  
18 to prison without getting credit for the time served on post  
19 release supervision.

20                  In addition, the maximum possible punishment for the  
21 crime includes a fine of up to a million dollars, twice the  
22 gross monetary gain derived from the crime or twice the gross  
23 monetary loss to persons other than yourself which ever is  
24 greatest. The Court also may order restitution, and by  
25 pleading guilty, you are agreeing to make restitution in the

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1 amount of \$25,981.55 to Bank of America. In accordance with  
2 Title 18 of U.S.C. 36636.

3 The Court also may require forfeiture of any proceeds  
4 obtained directly or indirectly from this crime. Forfeiture is  
5 in addition to any other fine, cost of imprisonment,  
6 restitution or other penalty the Court may impose. By pleading  
7 guilty you will be admitting to the forfeiture allegations in  
8 the information and agreeing to the entry of a consent order of  
9 forfeiture in the amount of \$75,153.28. These are proceeds of  
10 the crime that you personally obtained.

11 The Court is required to impose a mandatory special  
12 assessment or fine of \$100 each.

13 And as I mentioned earlier, if you are not a citizen  
14 of the United States, a guilty plea can result and  
15 presumptively would result in removal or deportation and you  
16 would not be able to withdraw your plea based on any adverse  
17 immigration consequences.

18 Do you understand everything I've said so far?

19 THE DEFENDANT: Yes, your Honor.

20 THE COURT: A guilty plea also may result in a loss of  
21 certain valuable civil rights to the extent you have them today  
22 or could obtain them in the future. These include the right to  
23 vote, the right to hold public office, the right to serve on a  
24 jury and the right to possession any kind of firearm.

25 Do you understand?

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1                   THE DEFENDANT: Yes, your Honor.

2                   THE COURT: Do you understand the charge against you  
3 and the consequences of pleading guilty?

4                   THE DEFENDANT: Yes.

5                   THE COURT: Have you had enough time to talk with your  
6 lawyer about the charges against you and how you wish to plead?

7                   THE DEFENDANT: Yes.

8                   THE COURT: Have you had enough time to talk with your  
9 lawyer about the consequences of pleading guilty?

10                  THE DEFENDANT: Yes.

11                  THE COURT: Are you satisfied with your attorney's  
12 representation of you?

13                  THE DEFENDANT: Yes.

14                  THE COURT: Now, I have a written plea agreement that  
15 has been signed by you as of today. Did you read the agreement  
16 before you signed it?

17                  THE DEFENDANT: Yes.

18                  THE COURT: Did you discuss it with your lawyer before  
19 you signed it?

20                  THE DEFENDANT: Yes.

21                  THE COURT: Did your lawyer explain its terms and  
22 conditions to you?

23                  THE DEFENDANT: Yes.

24                  THE COURT: In the plea agreement you and the  
25 government have reached an agreement regarding how your

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1 sentence would be calculated and a part of our law known as the  
2 "Sentencing Guidelines". And the agreement is that the  
3 appropriate computation under the sentencing guidelines would  
4 result in a sentencing range of 12 to 18 months imprisonment.  
5 And additionally, under the guidelines calculations the fine  
6 range would be \$4,000 to a million dollars. Under the plea  
7 agreement, neither you nor the government is allowed to argue  
8 to the sentencing judge for a computation that is different  
9 from the one in the plea agreement.

10 Do you understand that?

11 THE DEFENDANT: Yes, your Honor.

12 THE COURT: The parties are agreeing not to seek or  
13 suggest any upward or downward departure from the stipulated  
14 sentencing guidelines range except that either side may seek a  
15 sentence outside of the agreed upon range based on factors to  
16 be considered under another section of law, Title 18 of the  
17 U.S.C. Section 3553(a).

18 Now, I want to make sure you understand the  
19 government's reserved the right to seek an adjusted guidelines  
20 range if it learns new information about your criminal history  
21 or if you fail to clearly demonstrate acceptance of  
22 responsibility, or if it's determined that you've engaged in  
23 conduct currently unknown to the government that constitutes  
24 obstruction of justice or if you commit another crime after  
25 signing this agreement.

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1                   Do you understand?

2                   THE DEFENDANT: Yes, your Honor.

3                   THE COURT: Also, I want to make sure that I  
4 understand neither the probation department nor this Court is  
5 bound by the recommendations and calculations in the letter and  
6 the sentencing judge is free to do and in fact obliged to do  
7 his or her own calculation of the appropriate sentencing range  
8 in your case and that could result in a sentencing range that  
9 differs from the one in the letter.

10                  The sentencing judge has discretion to give you a  
11 prison sentence below or above the range set forth in the plea  
12 agreement or that he or she independently calculates is the  
13 appropriate range anywhere up to the maximum sentence I told  
14 you about earlier.

15                  Do you understand everything I've explained?

16                  THE DEFENDANT: Yes, your Honor.

17                  THE COURT: In determining an appropriate sentence the  
18 Court will consider the sentencing guidelines, possible  
19 departures from those guidelines and the factors set forth in  
20 Title 18 of U.S.C Section 3553(a). Also, the Court will  
21 consider a presentence report prepared by the probation  
22 department that you'll get a chance to review with your  
23 attorney and challenge any facts in that agreement.  
24 Ultimately, the sentencing judge will determine your sentence  
25 based on all of the factors I've explained and that sentence

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1 may be more severe than you expect but you won't be able to  
2 withdraw your guilty plea at this point.

3 Do you understand?

4 THE DEFENDANT: Yes, your Honor.

5 THE COURT: Now, by entering a plea you will not be  
6 able to appeal your conviction directly or indirectly such as  
7 through a petition for a writ of habeas corpus.

8 Do you understand?

9 MR. DAVIS: Yes.

10 THE COURT: Under the plea agreement so long as the  
11 sentencing judge sentences you to a prison term of no longer  
12 than 18 months and a term of supervised release of no more than  
13 five years, you also are agreeing not to appeal that sentence  
14 whether directly or indirectly such as through a petition for  
15 writ of habeas corpus.

16 Do you understand?

17 THE DEFENDANT: Yes.

18 THE COURT: Under the plea agreement you also cannot  
19 challenge your conviction on the ground that the government  
20 failed to produce certain information that might have been  
21 helpful to you at trial.

22 Do you understand?

23 THE DEFENDANT: Yes, your Honor.

24 THE COURT: Also under the plea agreement, you cannot  
25 appeal any fine of \$1 million or less or an order of

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1 restitution of \$25,981.55 or less or the consent order of  
2 forfeiture in the amount of \$75,153.28.

3 Do you understand that?

4 THE DEFENDANT: Yes.

5 THE COURT: Also, I want to make sure that you  
6 understand that the plea agreement does not bind any other  
7 prosecution office here other than the U.S. Attorney's Office  
8 for the Southern District of New York.

9 THE DEFENDANT: Yes.

10 THE COURT: Before I go on, are there any other  
11 provisions of the plea agreement that either counsel would like  
12 me to review with Mr. Givens?

13 MR. DAVIS: No other provisions, your Honor.

14 MR. MARVINNY: No provisions.

15 THE COURT: Mr. Givens, aside from what's in the plea  
16 agreement, have any promises been made to you to influence you  
17 to plead guilty?

18 THE DEFENDANT: No, your Honor.

19 THE COURT: Have you been threatened in any way or  
20 coerced into pleading guilty?

21 THE DEFENDANT: No.

22 THE COURT: Have any promises been made to you about  
23 the actual sentence you will receive to get you to plead  
24 guilty?

25 THE DEFENDANT: No.

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1                   THE COURT: Now that you have been advised of the  
2 charges against you and the possible penalties you face and the  
3 other rights you are giving up, do you still wish to plead  
4 guilty to Count Two of the information?

5                   THE DEFENDANT: Yes, your Honor.

6                   THE COURT: Is your plea voluntary and made of your  
7 own free will?

8                   THE DEFENDANT: Yes, your Honor.

9                   THE COURT: With respect to Count Two, how do you  
10 plead, guilty or not guilty?

11                  THE DEFENDANT: Guilty.

12                  THE COURT: Are you pleading guilty because you, in  
13 fact, committed this offense?

14                  THE DEFENDANT: Yes.

15                  THE COURT: Tell me what you did in your own words.

16                  THE DEFENDANT: Well, from October to December, I  
17 deposited multiple checks and altered checks into our bank  
18 accounts basically trying to get funds.

19                  MR. MARVINNY: Who is "they"?

20                  THE DEFENDANT: Bank of America.

21                  THE COURT: Where?

22                  THE DEFENDANT: In the Bronx.

23                  THE COURT: Did you in fact obtain money from some of  
24 those deposits?

25                  THE DEFENDANT: Yes.

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1                   THE COURT: Mr. Marvinny, are you challenging that the  
2 bank was insured by the FDIC.

3                   MR. MARVINNY: No, your Honor. We stipulate to that  
4 fact.

5                   THE COURT: OK. Mr. Givens, at the time you did these  
6 acts did you know what you were doing was wrong and against the  
7 law?

8                   THE DEFENDANT: Yes.

9                   THE COURT: Mr. Marvinny, do you believe there's a  
10 sufficient factual predicate for a guilty plea?

11                  MR. MARVINNY: I do.

12                  THE COURT: Are there any other questions that you  
13 would like me to ask your client?

14                  MR. MARVINNY: No, your Honor.

15                  THE COURT: Do you know of any defense that would  
16 prevail at trial or other reason why your client shouldn't be  
17 permitted to plead guilty?

18                  MR. MARVINNY: No.

19                  THE COURT: Are there other questions that the  
20 government would like me to ask?

21                  MR. DAVIS: None from the government, your Honor.

22                  THE COURT: Do you believe there's a sufficient  
23 predicate for a plea?

24                  MR. DAVIS: I do, your Honor.

25                  THE COURT: Do you want to make a proffer?

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1                   MR. DAVIS: The proffer, your Honor, is that Bank of  
2 America, the victim bank in this case, is insured by the FDIC  
3 at the time that Mr. Givens was depositing the altered checks  
4 and seeking those funds.

5                   THE COURT: Do you want to proffer any evidence that  
6 you would submit to support a guilty plea?

7                   MR. DAVIS: Yes, your Honor. If we were to go to  
8 trial we would expect to present the following evidence to  
9 prove the elements of the crime beyond a reasonable doubt,  
10 surveillance from the bank, bank records, testimony from the  
11 victims, physical evidence recovered from the time of the  
12 arrest and copies of the stolen checks.

13                  THE COURT: Mr. Marvinny, is your client agreeing that  
14 the government has sufficient evidence to demonstrate beyond a  
15 reasonable doubt each of the elements of this crime?

16                  MR. MARVINNY: Yes.

17                  THE COURT: OK. Mr. Givens, is there anything about  
18 this proceeding or what I've said that you don't understand?

19                  THE DEFENDANT: Oh, I understand everything.

20                  THE COURT: OK. On the basis of your responses to my  
21 questions and my observations of your demeanor, I find that you  
22 are competent to enter a guilty plea and I'm satisfied that you  
23 understand your rights, including a right to go to trial and  
24 that you're aware of the consequences of your plea, including  
25 the sentence that may be imposed.

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1           I also find that you are voluntarily pleading guilty  
2 and that you are guilty and that you've admitted that you are  
3 guilty as charged in Count Two of the information. So, for  
4 these reason I'll recommend that the direct judge accept your  
5 plea.

6           I'd ask the government to order a copy of the  
7 transcript and to prepare necessary paperwork so that probation  
8 can get started with a presentence report. I'll ask  
9 Mr. Marvinny to also meet with probation and Mr. Givens for  
10 purposes of preparing that report.

11           Has there been any sentencing date set yet?

12           MR. DAVIS: Not yet, your Honor.

13           THE COURT: I'm going to set a control date. I'll set  
14 a control date of June 14.

15           Is there anything further from the government?

16           MR. DAVIS: Nothing from the government.

17           THE COURT: Is there anything further?

18           MR. MARVINNY: May I have one moment please?

19           THE COURT: Yes.

20           (Pause)

21           MR. MARVINNY: Nothing further. Thank you.

22           MR. DAVIS: Nothing further.

23           THE COURT: Great. We are adjourned. Thank you,  
24 everyone.

25           (Adjourned)